

**DEC 15 2003**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

**CATHY A. CATTERSON**  
**U.S. COURT OF APPEALS**

**UNITED STATES OF AMERICA,**

Plaintiff - Appellee,

v.

**JOSE GUADALUPE CEBREROS,**

Defendant - Appellant.

No. 02-50610

D.C. No. CR-01-02788-1-JM

**MEMORANDUM\***

Appeal from the United States District Court  
for the Southern District of California  
Jeffrey T. Miller, District Judge, Presiding

Argued and Submitted December 4, 2003  
Pasadena, California

Before: **KOZINSKI**, **NOONAN**, Circuit Judges, and **SCHWARZER**, Senior  
District Judge.\*\*

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\* This disposition is not appropriate for publication and may not be cited to or  
by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

\*\* The Honorable William W Schwarzer, Senior United States District  
Judge for the Northern District of California, sitting by designation.

1. The district court did not abuse its discretion in admitting Cebreros's prior drug possession conviction under Federal Rule of Evidence 609. See United States v. Hursh, 217 F.3d 761, 768 (9th Cir. 2000).

2. Because the evidence against Cebreros was overwhelming, the alleged and admitted government errors during trial did not affect Cebreros's substantial rights. Thus, Cebreros's argument that his conviction should be reversed must fail. See United States v. Olano, 507 U.S. 725, 732 (1993).

**AFFIRMED.**